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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO.     |
|--|-------------|----------------------|---------------------|----------------------|
| 10/750,530   | 12/31/2003  | Daniel L. Tuma       | 00758.1100US01      | 5550                 |
| 57557  | 7590        | 04/20/2006           | EXAMINER            |                      |
| PAULY, DEVRIES SMITH & DEFFNER, L.L.C.<br>900 IDS CENTER<br>80 SOUTH EIGHTH STREET<br>MINNEAPOLIS, MN 55402-8773 |             |                      |                     | LAWRENCE JR, FRANK M |
| ART UNIT   |             | PAPER NUMBER         |                     |                      |
|  |             | 1724                 |                     |                      |

DATE MAILED: 04/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                               |                  |
|------------------------------|-------------------------------|------------------|
| <b>Office Action Summary</b> | Application No.               | Applicant(s)     |
|                              | 10/750,530                    | TUMA ET AL.      |
|                              | Examiner<br>Frank M. Lawrence | Art Unit<br>1724 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 20 March 2006.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-18 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-3 and 8-18 is/are rejected.

7) Claim(s) 4-7 is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 20 March 2006 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

1. The drawings were received on March 20, 2006. These drawings are approved.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 8, 9 and 11-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Tuma (2002/0089781 A1).

4. Tuma '781 teaches a filter assembly for a computer hard disk drive, comprising a disk enclosure (12), a vent opening (13) in the enclosure, a non-porous filter housing (10) mounted in the enclosure and having a top, a base, and sidewalls, a breather port (36a) and diffusion channel (30a) in the base, an inlet (32a) and an outlet port (33a) in the sidewall, and two filter members (34a, 40a) in the housing that are optionally chemically adsorbent and in fluid contact with the breather port (see figures, paragraphs 29, 32, 33, 36, 37, 48, 51, 52, 72). Air circulating within the enclosure also flows into the inlet, through the second filter (40a) and out of the outlet. Mounting adhesive is used to attach the base to the enclosure and a porous scrim is used to support the filter media (paragraphs 36, 53, 70).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tuma '781.
7. Tuma '781 discloses all of the limitations of the claim except that the filter media comprises carbon material. The reference is silent as to the type of adsorbent that is used in the filters (34a and 40a) but discloses the use of activated carbon for removing contaminants inside the enclosure (paragraph 43). It would have been obvious to one having ordinary skill in the art at the time of the invention to use activated carbon in the adsorbent filters in order to provide an inexpensive and effective chemical filter that is known to be useful for removing contamination within hard disk enclosures.

***Allowable Subject Matter***

8. Claims 4-7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

9. Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection. Note that the prosecution of this application has been transferred to examiner Frank M. Lawrence due to a retirement. The examiner agrees with applicant's arguments regarding the rejections over the Voights and Gidumal patents, which have been withdrawn. The newly found reference to Tuma '781 is submitted for rejecting the claims. Because the claims were not amended, this rejection is NON-FINAL.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frank M. Lawrence whose telephone number is 571-272-1161. The examiner can normally be reached on Mon-Thurs 7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on 571-272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Frank M. Lawrence  
Primary Examiner  
Art Unit 1724

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*Frank Lawrence*  
4-18-06